

REMARKS

In response to the Office Action dated December 28, 2004, Applicant respectfully requests reconsideration based on the above amendments and the following remarks.

Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 6 and 14 were objected to and have been amended to address the item raised by the Examiner.

Claims 1-17 were rejected under 35 U.S.C. § 103 as being unpatentable over Grober US 6,718,130 (Grober '130) in view of Nakajima. This rejection is traversed for the following reasons.

Grober '130 has a filing date of September 7, 2002, which is after Applicant's filing date of March 29, 2001. Grober '130 is a continuation-in-part of US 6,611,662 (Grober '662) filed May 26, 2000, which claims the benefit of provisional application 60/136,756 (Grober '756) filed May 28, 1999. Therefore, Grober '130 is only prior art¹ under 102(e) for features supported in Grober '662 and Grober '756. Neither Grober '662 nor Grober '756 discloses any of the features of the buoy recited in Applicant's claims 1-17. Grober '662 is directed to a stabilized platform that may be used to compensate for motion of waves or a person. Grober '756 similarly is directed to a stabilized platform having a number of applications. The buoy features disclosed in Grober '130 are not found in Grober '662 or Grober '756 and thus, are entitled to a filing date of September 7, 2002. Accordingly, the disclosure related to the buoy cannot be applied against this application as these features are not entitled to a filing date predating Applicant's filing date of May 29, 2001.

For at least the above reasons, claims 1-17 are patentable over Grober in view of Nakajima.

In view of the foregoing remarks and amendments, Applicant submits that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

¹ Applicant makes no admission that Grober '662 or Grober '756 predate Applicant's date of invention. Applicant reserves the right to swear behind these references.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

By: 

David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 36192

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